


UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

FILED

NOV 20 2009


CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WARREN RED CLOUD,

Defendant.

Case Number: 09-MJ-035

Case No. Pending in the Central
District of Illinois: 05-CR-10072

REPORT AND ORDER ON
PROCEEDINGS UNDER
RULES 5(c)(3) AND 5.1

The defendant is charged in the Central District of Illinois with violating the terms of his supervised release. The defendant has been arrested in this district on a warrant issued in the Central District of Illinois and has appeared before me for proceedings as follows:

Rule 5(c)(3) Transfer

- ☒ The government has produced a copy of the warrant, and
- ☒ The Court finds that the person before the Court is the defendant named in the Indictment because:
 - ☒ The defendant waived identity hearing.
 - ☐ An identity hearing was conducted and the defendant's identity was established.
- ☐ The Court finds, based on the evidence presented during an identity hearing, that the person before the Court is **NOT** the defendant named in the Indictment.

Rule 5.1 Preliminary Hearing

- ☐ No preliminary hearing is necessary because the defendant is charged by indictment.
- ☐ The defendant waived a preliminary hearing
- ☒ The defendant elected to have a preliminary hearing in the district where the prosecution is pending.

- ☐ The defendant elected to have a preliminary hearing in this district, and based on the evidence presented during the hearing, the Court finds that:
 - ☐ There is probable cause to believe that the defendant committed the offense(s) charged.
 - ☐ There is **NOT** probable cause to believe that the defendant committed the offense(s) charged.

Rule 5(d)(3) Detention Hearing

- ☐ No detention hearing is necessary because the government did not move to detain the defendant.
- ☐ The defendant waived a detention hearing
- ☒ The defendant elected to have a detention hearing in the district where the prosecution is pending.
- ☐ The defendant elected to have a detention hearing in this district, and based on the evidence presented during the hearing, the Court finds that:
 - ☐ The defendant should be detained
 - ☐ The defendant should be released on bond.

ORDER ENTERED ON REPORT:

TO THE UNITED STATES MARSHAL:


- ☒ You are commanded to transfer the above-named defendant forthwith to the district in which the defendant is charged and there deliver the defendant to the United States Marshal for that district or to some other officer authorized to receive the defendant.

☒ Subject to being released on bond

- ☐ IT IS ORDERED that this defendant be discharged from custody.

Dated November 20, 2009.

BY THE COURT:


VERONICA L. DUFFY
UNITED STATES MAGISTRATE JUDGE